P.7 136-92

G. R. S. IX-5]

*Previous references.*

1891-92 ~~192~~.

(L R)

File No. 162

Serial Nos. 1-5

*Later references.*

(P-42)

# GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-5

Part B for May-93.

SUBJECT.

Appeal of Hanumanthiah, Shanbhogue of Doddabally, Srinivasapur Sub T.K. for the restoration of his Shanbhogi Watan.

To The Deputy Commissioner, Kolar district

20031 8/25.5.93.

P.7 136-92 Copy of the decision dismissing the appeal has been forwarded.

WD 2283—GPB—20,000—14-6-20

Filed.

Counsel

Fix a date for hearing. Give notice to both parties.

21/May

Lekamma, and he adopted by Ramu Sangiennah 3 months old, the Plaintiffs were declared as the heirs of the deceased by the Govt. & one Ramasamy was appointed guardian. This was in 1870.

Sangiennah died on the 25th October 1877. The widow of the deceased Ramasamy applied for the office on behalf of his minor son Ramanathan (the appellant) ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~. The applicant supported the claim and added that the deceased Sangiennah left no other heir, & that from what Nirmaya according to the appellant was considered as Ramasamy & the guardian ramasamy Continued. (D/2·3·78).

The guardian Ramasamy died in 1885. & thereupon the enquiry for the appointment of another guardian arose. that the appellant was not Sangiennah's brother, and that the said Sangiennah had left a surviving brother Ramu Ramasamy (the respondent).

stated that by Ramanathan (Applt.) appeared to be the mother of the deceased Sanjivayan. Report No. 600 dated 28.2.78.

2

Appeal. No 3/1892-3

Appellant — Hanumanda
Son of Narsappa
Devalapally
Chinlāmani
Jaling.

Respondent — Hanmanta
Son of Narsappa
Marikunta
Chinlāmani
Jaling.

Plaint

On 25th Jeth 1859
Shantaya Hanumanda
-ya of Devalapur
village Chinlāmani
Jaling died leaving
no male issue nor
any other collateral
agnates; but his
married daughters
Seetamma, Venkati
Lakshmamma with
their husbands Nara-
appa Narsiah and
Hanumanda and an unmarried
daughter, viz,
Thimmakka Hanumma.

While the succession
to the gadi was under
disposal a son was
born to the eldest daughter
Seetamma

/

For Nizam Rahman
the Hon Dy. Comm.
Bangalore cancelled
the appointment of
the applicant and
directed the nomination
of the Respondent;
one Somappa who
had been doing the
duties as permanent
being allowed to
continue. This took
place in 1888. Sept.

In April 1892 the
applicant appealed
to the present Dy. Comm
Mr Madras who
~~upheld the decision~~
~~of his predecessor~~
~~above referred to~~
who declined to interfere.

/ The appeal before
Govt. is against this
order.

The appellants contend:

That the Somappas
from time have
always remained
in his possession

2.

2. That the Respondent has been able the nomination of the Appellant.

3. That the Respondent has nominated without any notice being given to the Appellant.

4. And that he was ignorant of the fact till April 1892.

The principal documents produced are:-

(a) Extract from the Register of Births & Deaths of the District of Inverurie. giving the date of Respondent's birth as 25th October 1845

(b) Affidavit of the Respondent giving the date of his birth as 1872-73.

(c) The Appellant's Affidavit dated 22nd July 1892 admitting the Appellant is age between himself the Respondent and the date mentioned

(d) The Appellant's Writ in which the Appellant admits

Sanguinaja - senior to Appellant by 3 months

Annaja - junior to Appellant by 2 or 3 years.

Appellant's age in 1892 being 23 years.

3/

Admits his age as
the time of his nomina-
tion.

(d) The genealogical
tree showing the
relationship of
the parties.

The issues raised
by the Dy. Comm.
are.

1. The appeal is
barred by limitation
Mr. Abdul Rahim
man's order of
1888 and is not
barred by limitation

2. That in order
to prove the claim
was barred by time
the appellants has
quoted his order
dated 26th April
1872 in the appeal
petition.

3. That the appellant
himself admits
in his appeal petition
that he was about

7 to 8 years old at the time of his nomination, and in his statement dated 22 July 1982 [illegible] Reverend (Canon) Lino by 2 or 3 years [illegible] Archdeacon Aketan, and has been [illegible] Ne Emelecon Kan Bwaga said Rakamaot was 6 years at the time in question.

4. That he absconded is not [illegible] [illegible] the [illegible] reason. [illegible] his [illegible] and he [illegible] refused to

5/11/92

Appeal no. 5/1892-3

Appellant — Karunambiyan
Son of Karuppa
Devalapally
Chinnamani
Jaluq.

vs

Respondent - Ramiah Son of
Karuppa
Marikundu
Chinnamani
Jaluq.

Claim for the Shanbogue-
-ship of Devalapally
village

On 28th October 1869
the Amildar of the New
Srirangapatna Taluq
reported to the Dy. Supt
of ~~the~~ Kolar the death
of the Shanbogue Karu
-nantappa of the
Devalapally village
leaving no rightful
heir deceased him,
but only two married
daughters with their
husbands Ramappa
& Karuppa respectively,
and an
unmarried daughter,

and

and sought orders for
~~the~~ arrangement for
the discharge of the
Govt. work.

The Dy. Supdt. replied — 8.11-69
directing the Amildar
himself to make arrange-
ment for work during
the journey & report
thereafter.

The Asst. Manager of 18.11-69
the deceased, by name
Sellamma & her husband
Ramappa petitioned the
Dy. Supdt, praying for
the opening of the estate
& her husband
in her favour & for being
authorized to appoint a
guardian, her husband
& the Father-in-law of
the deceased being both
illiterate.

This was opened on the 19-11-69
Amildar & he reported 6-12-69
that in Enquiry it was
ascertained that during
the life time of the deceased
he had divided his
his affairs keeping
a portion of the property to
the Asst. Manager
Sellamma her husband
and

and settling them ~~[illegible]~~ on
Emancipation, and bequeath-
-ing by a deed of gift to
the second daughter &
her husband the Shanbogue
Indian lands, house
Shanbogue work with the
obligation to support
during his life time,
& then celebrate also
the marriage of the last
daughter: and recommend
the acceptance of the office
in the name of the
Second Kon-si-kan
Ganaciah and the
appointment of a
Gumacta by name
Lutchmanaiah.

14-12-69

I the undersigned Native Chief Commissioner Notification, the hereditary offices being inalienable by sale, gift or Mortgage, rejected the two deeds of gift produced and directed the issue of a proclamation inviting any rightful heirs besides the daughter & further ordered that the Gumacta then doing duty could continue until the formal nomination of a successor &

the

The Office.

23.12.69

One Venkatachellaiah petitioned that the office had belonged to his maternal grandfather Venkatachellaiah that the deceased Grandfather Ramanadayya was an illegitimate son of a Pariah of the said Venkatachellaiah and having been holding the office as pimanda enjoyed it after the death of the said incumbent, as Venkatachellaiah the petitioner was a minor.

This petition was rejected on 4-1-70
the similar for report.

The elder daughter Nellamma of the deceased Grandfather petitioned the Dy. Comm. stating that a son had been born to her and praying for the registry of the office in the name of the boy as a pimanda son in daughter's (Pariahs) has a prior right to heirship.

7-5-70 (dt 2.6.70)
5-1-70.

In the meantime the Amildar reported that in response to the proclamation issued by the Claimants

2/

Claimant have absconded and recommended the registry in the name of the 2nd son-in-law. Extract from the deceased has bequeathed the known lands, Office Rule, Poojé & house and also even performed the obsequies of the deceased.

16-5-70. In reply the Asst. Commr. observed that the eldest daughter having entered the state of a son other, and according to the Dharmashastra the adoption becomes the heir in the absence of rightful heir by male issue, and enquired if the second daughter also had a son.

22-6-70 Similar reported that the eldest daughter Seetamma had a son 3 months old, but still recommended the second son-in-law Ramaiah for the same reasons already given in the previous recommendations.

27-6-70. The Dy. Commr. Chittoor passed orders to the following effect:-

The Karnam Ramanna

having

having died leaving no heir to succeed him; the Claimants Claimants are here the (1) eldest daughter on behalf of her son the Appellant of the deceased, (2) the second Son-in-law in a deed of gift executed by the deceased & (3) one Venkatachellah questioning the claim of the deceased namely to the office held. The 2nd Claimant's Claim is rejected as hereditary offices are inalienable by gift, sale &c; the Claim of the (2nd) Claimant cannot also be entertained as the office had never been held by. Sitamma the first Claimant having a Son, and according to the Dharmadaya & Appellant becoming the heir in the absence of other agnatic heirs, the office will be registered in his name & a competent person appointed to manage the duties.

The 3rd Claimant has 12. 7. 77
the villagers here against the nomination of Mallikarjuna Shanbogue Venkatramaniah the person & him the Father of the appellant as selected, that this Venkatramaniah had

had already Shantogue rights
of 1st two villages, &
recommended the nomination
of Sastrya the son of
the Lakshmana Lakshma
Ramappa as the villages
approved of ih.

13-7-70. The Dy. Commr rejected
this advising the nomination
of Venkatramaniah &
requiring the elder son-
-in-law Dasari another
competent man within
8 days.

27-7-70 The elder Son-in-law
Narasiah selected Ramap-
pa the 2nd Encumbent
Shantogue. He had no
other Shantogue rights &
was appointed as by the

30-7-70 Amildar also, & in
Consequence the Dy.

1-8-70 Commr sanctioned his
nomination

12-10-70. The elder Son-in-law
of the deceased again petitio
ned the Dy. Commr: setting
forth his claims already
alleged and his petition

12-10-70. was again rejected.

24-4-78. On the death of the superior-
-dar Narasiah Complain
the 2d Son-in-law Rama-
-iah again petitioned
the Dy. Commr, stating
his son Hanumantaya
... he

the ~~[illegible] of the deceased~~ ~~[illegible]~~ was the elder
Sadhira" and prayed
for the appointment of the
office in his name
The Dy Comm. called 27-1-78
for a report as to the
existence of any other
heir of the deceased
besides the one on whose
behalf the pet. had been
issued -
The Amildar reported 28-2-78
that there were no other
heirs except the Applt who was entitled to be
of the deceased & Lr. of
Ramaiah, & recommended
the appointment in his name
the Applt
the Applt jumadar himself
continuing to do
duties; and the Dy. Comm
approved - - - - 2-3-78
The Sheristar of Bangalore
finally reported the Dy. 25-4-85
Comm. of Chinnacabur
the death of the Sandoor
Jumadar Ramappa
and sought orders for
arrangement for the
discharge of the Circar
duties; and in reply the
Dy Commr Bangalore 14-6-85
passed that the 23-5-86
heirdar of the office be
name

3/

Rame Ramappa
Chavan? resided
in Manigenhally.
The Dy. Kandaer
Summoned the said
Ramappa, [illegible]
[illegible], & Hanum
-anaiappa. The former
appeared and deposed
that on the death of (1887)
his Son Ramjeevachar
his Licence for Arrack
was cancelled, that
he possessed no Licence
& the effect which
could be found among
the goods & Chattels of
the year. The Licences
were applied for
from the Chamarajen
Taluq & only those
relating to the appoint-
-ment of Hanumaiah
on the death of Ramjeeva

On 15th Oct. 1887
Ramaya the Son of the
said Ramappa
was examined &
he also deposed that
after Ramjeevachar's
death he was working
in Licence 1887-88

and

and promised to produce
a competent female.
and requested the Hon'ble
Bench of the Main 25.11.87
Lottrial respondent.
His father Ramappa
by and the Learned
Clerk deposed in the
same terms as the
above statements, and
the said Ramachandrah
deposed Consenting to
do duties.

Ramappa and his
Son Bhima again made
a statement promising 16.3.88.
to produce the record
connected with the
Cattle appointment
but did not.

Ramanadappa
deposed stating he
Cremus times connected
with his Karn being
registered & prayed
that Ramappa who
was then looking after
the duties might continue
until he duly attended
Majority. Also stated
that Bhima & his
father were always
away

18

away in another Village
& that the Khantayy
Lands were in his
own possession &
Enjoyment of himself
his mother & Aunt.

21-7-88. The Assistant Sub-
-mitted the above
papers to the Dy. Comr.
with a report of
facts connected with
the case as above
and relating to the
Registration of
Sanjeevaiah & the
appt. of Ramaswa-
-my Gumasta, &
the Registration of
Ramaswamy's
application for
Arms on the
death of the said
Sanjeevaiah &
recommended that
Gumasta Lumina
could be allowed
to continue to do
duties.

16-9-88. Reception of Dy.
Comm. Mr Abdul
Rahman passed xxx
orders on following
effect:-

On the death of
the original Khan holder
Ramaswamy

Rāmānandaya
his Agrahāra Sanjīvanā
was registered: on the
death of his son,
Rāmānandaya was
alleged to be the last
Agrahāra-holder of
Sanjīvanā was
registered on the
report of the Amildar.
It is found that he
is not the real brother.
A mistake was
committed as he
was his own (Sanjīvanā's)
own younger brother
Annaya had existed.
Under these circumstances
the Lake Dy Commr
order will be revised
and Annaya registered
as competent person
produced by him
appointed & took
after the duties.

The Dy. Amildar 5-8-88
carrying out the
Amildars report
that Ramappa
and Annaya prayed
for the appointment
of Pūjāri's

a

4/

1—11—95

17—5—92.

injunction but that the Magistrates here against whom the Petitioner had taken proceedings had been substituted by the Petitioner who had been subsequently elected for the post of Zamindar for the period of 5 years commencing from the 6th October 1892 until and unless competent jurisdiction is produced by the respondents the injunction continued.

In April 1892, the appellant petitioned the D.C. Claiming the office and the Zamindary. Pending that matter Abdul Rahman's order directing the keeping of the office in the name of Ammya Respondent was upheld and the Judges declined to interfere on this the Appellant appealed to the Privy Council, during pendency

that his plantation
known lands were
in his possession
and enjoyment
that at the time
of his expatriation
the Respondents
Bancoya had not been
born.

This petition was ordered 30.5.92
on the O.R. for report

The Ag. Crown
Solicitor the Hon. Sullivan 21-6-92
for a report with
the papers connected
with the case.

The Ag. Solicitor 22-7-92.
reported that the Shan-
-tapy Mean lands
had always been
in the enjoyment
of Nanasaka and
his ex Appellants
Hammandaya
since Middle of
original title
holder, Hammandaya
that these had been
paying the usual
dues, that on the
death of these men
only

22

only Mr Lands did not go over the
possession of Nanny
this in Respondents
Counsel, that
Hammantia's plea
of ignorance of the
deputy in the
name of Anuya
could not be believ
as it appeared that
at his instigation
Chief the Villagers
protested against
appointment of
Imnesottra as
Jumadar, forwards
the Register of births
& deaths showing
the date of Conjecerin
death as 25th October
1877 and also
the horoscope of
Anuya who
indicated the date of
birth of the boy
Respondent). Further
reported from these
documents that
the Appellants' Contenti
that the Respondent
had not been
born when the

Application under section 17 was refused, there being a distance of 3 years between Precincts, Parish Boundaries was 6 years old at the time & that both Parishes on both sides had disposed of the Estate.

The Dy. Comm Rev - 22-8-92
upon submitting his report & Gordian papers for necessary.

SHB
4/11/92

Receipt of the papers
bearing on the appeal
of Devadasan
Hanumandayya
Claiming Shenbaga
Nadar of Nellikuppam

Registered No: 734/157
Dt 22-8-92.

Asst. Secy. to the
Govt.
7/11/92

(4)

O.S. No 25 of 1892-93

1 Appt

Hanumantha
s/ Devulapalli
Sreenivasaier
Subadar
Kolar Dt-
represented by his
D. Narayanaiah
advocate

Respt

Anniah
represented by
his L. Srinivasa
Ayyangar.—

Hanumanthah Shanbhog of Devulapalli died in 1869, leaving 3 daughters. ~~all of whom are dead~~ The appellant is the son of the 2d daughter who is now dead. The respondent is the son of the eldest daughter who is alive. & the 3d daughter Ellamelahonnamma who has also a son is alive.— In 1870, Respt's elder brother Sanjeevah who was an infant was appointed as Shanbhog, but on his death in 1877, appt was appointed as the amildar reported that he was the brother (15th June) of the deceased. In 1886, the Dy Comr having found that the appt was not the brother of Sanjeevah, cancelled the appt's appointment, & appointed the Respt in his place. In 1892, appt preferred the Dy Comr's order

aside the order of 1888, & he declined to do so, & the present appeal is against that order.

The appellant's contention is that he never misled the Dy Const in 1877, as he clearly stated in his Petition that he was the son by the 2d daughter, & the Dy Const had no power in 1888 to set aside the order of her predecessor made in 1877. It is however a fact that the answer in 1877 did state that the appt was the brother of the deceased Sanjivial & he made no allusion to the existence of the Respt. If he had stated that the deceased had a brother, viz: the Respt was the real brother of the deceased, & the appt was only his aunt's son, probably appointment would not have been appointed. Under these circumstances, the order of 1888 seems to be equitable & we see no reason to interfere with it. It is true that appt has as much claim to the office as the Respts, but preference has been properly given to the latter as he is the son of the eldest daughter. The appeal is dismissed.

dcf

19/5/93

Encl

He is informed that the
Govt see no reason to
interfere with the order
of the Dy Comr issued on 10.10.20. His
appeal has been
dismissed

1

Mr. Ramachar
10/5/92

Mr. Ramachar
10/5/92

1

In the Court of the Councillors to His Highness the Maharajah of Mysore
Bangalore

536 R
15-5-92

A.S.No 25
Revenue appeal No 9-1892-93.

Appellant
Hanumanthayya, Son of Narasappa residing in Davalapally, Chintamany-Taluk

vs.

Respondent
Annaiah, Son of Narayanappa residing in Imarahutty Chintamani Taluk-

(1) S/Court Correct
(2) Copy Decree Order
(3) Appeal in time
(4) Adv Rule Fee Call for Rop: Rc. 4, 23/5/92

The Appellant most respectfully begs to prefer this Appeal against the order passed by the Deputy Commissioner of Kolar in Interlocutory No 10 of 24th April 1892 for the following reasons:—

I That the Appellant's maternal grandfather Hanumanthiah was the Shanbhogh of Davalapally Village, Srinivasapur Taluq, Chintamani Taluk for about 46 years and before that his ancestors were the Shanbhoghs of this Village.

II That the Appellant's grandfather died about 20 or 22 years ago in that Village leaving Venkatasubbamma Appellant's mother and Seethamma Respondent's mother and one Munivenkatamma, who were his daughters surviving him and he had no male issues—

III That after his death the Shanbhoghship was registered in the name of one Ranjivaiah (who was a minor then) after his grandfather's death and his duties as Shanbhogh were performed by his Gumasta Narayanappa and after his death which was about 16 years ago, Appellant's name was registered as the Shanbhogh of the said Village. he being also a son of Venkatasubbamma one of the other daughters of the said Hanumanthiah as per authenticated copy of the Deputy Commissioner's Order Dated 2nd March 1892 herewith produced.

IV That as the Appellant was a minor aged about 7 or 8 years one

one Naranappa abovenamed was doing the duties of Shanbhogh as the Appellant's Gumasta till about 4 or 5 years ago when he died -

V That after Naranappa's death, his nephew Timmappa has been looking after the Shanbhogh's duties till now

VI That from the time of Sanjiviah's death upto date the Shanbhogh Inamati Land was in the of the Appellant and was never in possession of the Respondent.

VII That the Respondent another grandson of the said Hanumanthiah by his daughter Seethamma was born after Appellants name was registered as Shanbhogh -

VIII That the Appellant bears the same relationship to the deceased Hanumanthiah as that of the Respondent and that the Lower Court erred in appointing the Respondent to the Shanbhoghship of the said Village -

IX That the Lower Court is wrong in having appointed the Respondent as Shanbhogh without issuing a notice to the Appellant or hearing him -

X That he only came to know of the appointment of the Respondent as the Shanbhogh of the said Village in the month of April 1892 -

XI That the Appellant was registered as a Shanbhogh and his duties as such were discharged by his Gumasta for upwards of 10 years

XII That the order of the Lower Court is against Law, Evidence, and Procedure -

XIII The Appellant therefore prays that he may be restored to his appointment as the Shanbhogh of the said Village in reversal of the Deputy Commissioners Order

Bangalore
17th May
1892

H Hanumaiah
Appellant

2

E.

63.

(2)

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 536

dated 17th Nov. 1892 received at the Dewan's Office from Hanumanthaiah residing in Devalapalli Chuttanavani Taluk, praying for restoration to his appointment as Shanbogue of the said village

is forwarded, together with its three enclosures, to the Deputy Commissioner Kolar District, for early disposal and for report on the facts of the case and on the grounds taken in the petition

2 The petition should be returned

By Order,

Draft

Chief Secretary.

BANGALORE,
30 Nov 1892

(General Serial No. 30.)

Pol. 1892 No. 156-92

From The Deputy Commr
Nellore

To The Chief Secretary
to the Dewan of Mysore

Dated 22nd August 1892

Despatched 24th do. —

Received

**Enclosures No.** 1 file

General No. 734
No. 151

Reporting on the petition of Devalapalli Narasimhulu Srinivaspur Subdivn.

Pol Br
June 25/8

Submitted with
Consent with press
Memo
K
7/vii/92

29/8/92

No 734 / 151 encl 1 file

Cochin-Commissioner's Office
Fort District
Dated 22nd August 1892.
24

(3)

From

The Deputy Commissioner
Fort District

To

The Chief Secretary to the
Govt of Mysore.

Sir,

With reference to your official Memorandum No. 683 of the 30th May 1892 forwarding for report a petition from Kunnambath of Cranganore Melemuri Kaitaram, I have the honor to report as follows:-

1. The Kunnambath ancestral guardian of the Petitioner was the original Karnavan of the said village of Cranganore. He died in the 20th October 86 leaving behind him 2 unmarried and 2 married daughters, Eravikalamma, Seelamma and Pankajakshamma with the husbands of the two last mentioned, Kunjaka and Kunnoth respectively.

2. On the death of Kunnambath one Govindoo passed in regard to the nomination of his successor and his eldest daughter Seelamma having in the meantime got a son named Sanjeevan the latter

* Received with reference noted in margin

Letter of Chief Clerk's memorandum and was registered as Standing Order No. 1 of 1887 granting leave by an order of the Hon. Deputy Superintendent of Native Reserves, dated the 27th June 1887 and the Interpreter appointed to officiate as Translator during the unavoidable absence of the Registered nominee.

4. Sanderson died on the 25th October 1887 and the afterward Francis Pierre Lamontagne became Registered Interpreter appointed for the vacant office on behalf of his minor son Lamontagne the present petitioner and the Indian Agent in Saskatchewan made an account, report & recommendation to the effect that the petitioner was the heir of the late Sanderson and that the latter had left no other heir to succeed him. This report led to the nomination of the petitioner to the post in place of Sanderson and to the maintenance of Interpreter as formerly during his minority. (Vide Annual Rep. No. 20 dated the 2nd March 1889 issued by the late Deputy Superintendent Mr. Reed Hargrave)

5. On a petition addressed to the Deputy Superintendent on the 5th October 1887 and in a subsequent Report dated the 16th March 1888, Lamontagne the petitioner was directed by the Secretary of the Post

of

of his appointment Mr. said that a mis-
representation of facts, known at the time
nominated, Sanjeevaiah succeeded and permitted to
do the duties of the office himself, Narayana was
not officiating as Tahsildar during that & capable
of years before.

6. The enquiry which followed revealed that
the Petitioner was not Sanjeevaiah's brother and
that at the time of the appointment of the former,
the latter had left a marriage brother named
Ramiah who under an impression that his name
had been registered in the place of his late brother
had applied for permission to employ his own Guma-
sta for the performance of the duties of Shanbogue.

Accepting my predecessor Mr. Abdul Rahman
by an order No. 255 dated the 1st September 1888
cancelled the appointment of the Petitioner and
directed the nomination of Ramiah as the Kurkur
Shanbogue. The Tahsildar who had been doing the
duties of Tahsildar since the death of his uncle
Narayana the previous incumbent was by a subsequent
order of the same Deputy Commissioner entrusted
as well with further duties.

7. The present appeal is directly against
Mr. Abdul Rahman's order of 1888 passed in the
petition

petition under sufficient the appellant had proved the claim after the expiry of the appeal time granted by endorsement of 10 of the 20th April 1892 which simply informed him of my predecessor decision in which I was not prepared to interfere. There is however nothing to show that the order directing the removal of the appellant's name from the Register of Shanthipur was communicated to him in writing although he can be fairly presumed to have long ago become cognizant of the same fact with his co-residents of the village who formally received their Remedies of the first in a petition praying against the employment of a separate Pannaca prepared by Ramiah the new Registrar.

2. The Petitioner however adhere to the claim alleging in his petition that Ramiah (Respondent) was born after him (Appellant) name was registered as Shanthipur in accordance with admission in another part of the appeal petition he was about 4 or 5 years of age at the date of his nomination and according to his Kaifiat dated the Cowle Ramiah dated 22nd July 92, he is 2 or 3 years older than Ramiah which would fix the age of the latter at about 5 years at the time referred to.

3. The Inam lands attached to the Shanthipur service are kept which consist of dry and wet and garden

garden measuring 15 Acres and 1 gunta with a
survey assessment of Rs 50-2-0 subject to the
payment of Canal and irrigation water annuities
annuities Rs 2-7-0 are ordered to have been
taken in the assignment of the Appellant's father and
do not appear to have come into the hands of the
Revd Superiors of the Carlton Annuals the present
Standpoint.

The Appellant further avers that himself is not now willing to admit his position,
and Raifiel rejected it in toto since the
denial does not materially affect the merits of the
case.

12. The original proceedings connected with the
case as for accompanying Petition are herewith
submitted for reference and return, retain when
no longer required.

I have the honor to be

Sir,

Your most obedient servant

E Marshall

Deputy Commissioner,

Kolar District

Mysore

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Before the Government of *His Highness* the Maharaja of Mysore.

(5)

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Appeal No. 25 of 1893-94.

Appellant. Vs. Respondent.

Hanumanthiah of Devarapalli, Srinivaspur Taluk, Kolar District, represented by Rao Bahadur Narayan Rao, Advocate.

Sanjiviah, represented by Mr. Venkatarama Iyengar.

Decision, dated 20th April 1893.

Hanumanthiah, eldest son of Devarapalli, died in 1869, leaving 3 daughters. The Appellant is the son of the 2nd daughter who is now dead. The Respondent is the son by the eldest daughter who is alive, and the 3rd daughter, Venkatakrishnamma who has also a son is alive. In 1870, Respondent's elder brother Sanjiviah who was an infant was appointed as Shanbhog, and on his death in 1877, Appellant was appointed, as the Amildar reported that he was the brother of the deceased. In 1888 the

deputy Commissioner, having found that the Appellant was not the brother of Lanjiriah, cancelled the Appellant's appointment, and appointed the Respondent in his place. On 1892 Appellant petitioned the deputy Commissioner to set aside the order of 1888, but he declined to do so, and the present appeal is against this order.

2. The Appellant's contention is that he never misled the deputy Commissioner, in 1877, as he clearly stated in his petition that he was the son by the 2nd Kangani, and that the deputy Commissioner in 1888 had no power to set aside the order of his predecessor made in 1877. The Appellant, a fact that the Appellant in 1877 did state that the Appellant was the brother of the deceased Lanjiriah ~~and he made~~ and he made no allusion to the existence of the Respondent. If he had stated that the Respondent was

was the land bought after deceased, and that objection was only that it seemed to some, probably objectionable would not have been objected. Under these circumstances, the order of 1888 seems to be equitable and the Government was reasonable to interfere with it. It is true that Appellant has as much claim to the office as the Respondent, but preference has been properly given to the latter, as he was the son of the eldest daughter. The appeal is dismissed.

"By Order"

Ndraft.

25/5/93
for Chief Secretary.

No 20031
Pol: F. 136-92

Copy to the Deputy Commissioner, Kolar District, with the above order, received with his No 136/131 dated 20th August 92.

"By Order"

25/5/93
for Chief Secretary.

No. 25
536

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
24th May 1893

Endorsement granted to Fernandes of Periapatna, Lessee of vacant land-tax, Hosa-Kote, Periapatna Hobli, Narayana Rao-attache

in reply to his Petition Registered No. 536 dated 17th May 1893 praying for the order of the 12th June 1886 enhancing Rs. 10 assessment on Periapatna village on the Government Salt Lands

Petitioner is informed that the Government see no reason to interfere with the order of the Settlement Commissioner issued in 1886. His appeal has been dismissed.

2. The enclosures are herewith returned.

23/3/93

"By Order"

Re-draft

25/5

Compd for Chief Secretary.

Mysore Govt. Central Press, Bangalore.—9-2-93—2000.